

Brian D. Shapiro, Esq.
Nevada Bar #5772
Law Office of Brian D. Shapiro, LLC
510 S. 8th Street
Las Vegas, NV 89101
Telephone: (702) 386-8600
Facsimile: (702) 393-0994
Email: brian@brianshapirolaw.com

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

LYNN CAMPBELL,

Debtor.

Bk. No.: 18-12967-leb

Chapter 13

Date: 08/09/2018

Time: 1:30 P.M.

**OBJECTION OF CONN APPLIANCES, INC. D/B/A CONN'S HOMEPLUS AS
SERVICER-IN-FACT AND ATTORNEY-IN-FACT FOR CONN CREDIT I, LP
TO CONFIRMATION OF CHAPTER 13 PLAN**

Conn Appliances, Inc. d/b/a Conn's HomePlus as servicer-in-fact and attorney-in-fact for
Conn Credit I, LP ("Creditor"), by and through its undersigned counsel, hereby objects to
confirmation of the above-referenced Debtors' proposed Chapter 13 Plan, and in support thereof,
states as follows:

1. Lynn Campbell ("Debtor") filed a petition for relief under Chapter 13 of the
Bankruptcy Code on May 23, 2018.
2. The Court has jurisdiction to hear this proceeding pursuant to 28 U.S.C. §1334(b)
and 11 U.S.C. §1325.
3. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.
4. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(L).
5. On June 27, 2018, Creditor filed a Proof of Claim seeking a secured claim equal
to \$4,948.07.

1 6. Creditor's secured claim arises from Debtors' execution of a contract dated
2 October 5, 2017. A copy of the Contract is attached to Creditor's Proof of Claim.

3 7. The Debtors' Chapter 13 Plan makes no reference to Creditor's claim.

4 **AMOUNT OF SECURED CLAIM**

5 8. Pursuant to 11 U.S.C. § 1325(a)(5)(B)(ii), Debtors' plan must pay Creditor an
6 amount equal to the value of Creditor's secured claim.

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8 9. Further, under the "hanging paragraph" of 11 U.S.C. § 1325(a), debtors are not
9 eligible to "cram down" the balance of a debt through the Chapter 13 plan if the collateral for that
10 debt is any "thing of value" and if the debt was incurred during the one-year period preceding the
11 filing of the bankruptcy petition.

12 10. The "hanging paragraph" of 11 U.S.C. § 1325(a) states, in pertinent part: "For
13 purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph if the
14 creditor has a purchase money security interest securing the debt that is the subject of the claim, . . .
15 if collateral for that debt consists of any other thing of value, if the debt was incurred during the 1-
16 year period preceding that filing."

17
18 11. Debtors who wish to remain in possession of such property are therefore required to
19 pay the full amount of the Creditor's secured claim, plus a permissible interest rate, through the
20 Chapter 13 plan.

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22 12. The debt securing Creditor's claim was incurred on October 5, 2017, which is within
23 the one-year period preceding filing of the instant bankruptcy case.

24 13. The collateral securing the debt that gives rise to Creditor's claim is therefore subject
25 to the provisions of the "hanging paragraph" of 11 U.S.C. § 1325(a).

26 14. Therefore, if Debtor wishes to retain the property, Debtors' Chapter 13 plan must
27 provide for a secured claim in the amount of \$4,948.07, plus an interest rate equal to at least 7%.
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2 15. For these reasons the Debtors' proposed Chapter 13 Plan does not comply with the
3 provisions of 11 U.S.C. § 1325(a).

4 WHEREFORE, Conn Appliances, Inc. d/b/a Conn's HomePlus as servicer-in-fact and
5 attorney-in-fact for Conn Credit I, LP requests this Honorable Court enter an Order denying
6 confirmation of the Debtors' proposed Chapter 13 Plan.
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10 Respectfully submitted,

11 /s/ Brian D Shairo
12 Brian D. Shapiro, Esq.
13 Nevada Bar #5772
14 Law Office of Brian D. Shapiro, LLC
15 510 S. 8th Street
16 Las Vegas, NV 89101
17 Telephone: (702) 386-8600
18 Facsimile: (702) 393-0994
19 Email: brian@brianshapirolaw.com
20 Attorneys for Conn Appliances, Inc.
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CERTIFICATE OF SERVICE

I hereby certify that on the 13 day of July, 2018, I served either electronically via the Court CM/ECF program or via U.S. Mail, first class and postage prepaid, copies of the foregoing Objection of Conn Appliances, Inc. d/b/a Conn's HomePlus as servicer-in-fact and attorney-in-fact for Conn Credit I, LP to Confirmation of Chapter 13 Plan upon the following:

Lynn Campbell
3050 N. Jones Blvd. Apt. 1093
Las Vegas, NV 89108

David Krieger
8985 S. Eastern Ave.
Suite 350
Henderson, NV 89123

Rick A. Yarnall, Trustee
701 Bridger Ave., #820
Las Vegas, NV 89101

Respectfully submitted,



Employee of Law Office of Brian D. Shapiro, LLC